



**Town of Fairfield • Registrar of Voters Office**  
611 Old Post Road, Fairfield, Connecticut 06824

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Testimony of Matthew Waggoner, Registrar  
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Dear Co-Chairs Musto and Jutila, Ranking Members Hwang and McLachlan, and members of the Government Administration and Elections Committee,

Thank you for providing the opportunity to offer input on the election topics that are being raised at today's public hearing. I would like to share my thoughts on several of the bills being heard today.

### **SB 901 – An Act Concerning Post-Election Audits**

While reducing the overall number of districts audited is reasonable, this proposal includes several problematic changes that reduce the effectiveness of the audit process. Conducting the audits with tabulators will prevent the audits from discovering programming errors in the memory cards provided by our vendors, while limiting the number of audits per town compromises the random nature of the audit. Further, this proposal eliminates all statutory guidance concerning the random selection of offices to be counted, a provision which exists to detect official tampering in individual races (ie preventing an official from choosing not to audit a race s/he has tampered with). Please consider moving only the first paragraph of this bill out of the committee.

### **SB 779 – An Act Concerning Overvoting Of Cross-Endorsed Candidates**

### **HB 6429 – An Act Concerning Overvotes For Cross Endorsed Candidates**

These proposals would cause the loss of a significant number of votes, and would do so without providing any benefit to election administration. I urge the committee to reject both of the “overvoting” proposals before you.

Considering Fairfield's 2012 election results, 1% of the votes received by Linda McMahon, 1.7% of the votes received by Chris Murphy, and 1.5% of the votes received by Jim Himes – 622 votes in total – were “double voted” ballots which would have been rejected if this bill had been law. Absentee ballots accounted for 24 of these votes, which under this proposal would have been lost with no notice to the voter.

Instead, each voter who chose one of these candidates had their vote counted exactly once, and assigned to parties in accordance with the revision to this section in the 2011 Registrars bill. Software to perform this function was provided to us by the Secretary of the State's office.

The desire to avoid an “unknown” category for cross-endorsed candidates cannot be achieved, as we would still be required to tally and assign write-in votes (including Federal Write-In Ballots used by overseas and military voters) to parties based on the existing formula. Further, rejecting these ballots would make Connecticut stand alone in rejecting such ballots where the voter's intent is perfectly clear: of the states where the law permits cross-endorsement, none reject ballots in the case of the same candidate being chosen multiple times.

Delaware	<i>Ballots with double votes are counted in the combined total, but not added to either party's total.</i>
New York	<i>“Double-voted” ballots are counted as a vote for the major party.</i>
Oregon	<i>Ballot does not include “party lines” – candidate names appear once, with endorsing party/parties listed underneath.</i>

South Carolina *"Double-voted" ballots are sent to the County Canvassing Board, which is directed to count the vote, but uses their own discretion when assigning it to a party*

Vermont *Ballot does not include "party lines" – candidate names appear once, with endorsing party/parties listed underneath.*

While the method provided for counting "double-votes" in CGS §9-242 might not be as convenient as we might like, I strongly believe that it's never appropriate to discard votes merely for our own convenience. The principle that intent of the voter should govern the counting of votes – elegantly spelled out in the 1994 CT Supreme Court decision in that year's close Congressional race – should be carefully guarded.

*Munster's argument to the contrary would require us to ignore the nature of the voting and vote counting process, the clear implications of the demonstration project materials, and this longstanding democratic principle of election law jurisprudence. [...] It would elevate the form of those instructions over the substance of the voting process itself, and would ignore the entire thrust of the instructions to the moderators regarding manual counting of any ballots rejected by the machine. Furthermore, it would subject to an impermissible level of scrutiny, and would risk disfranchising, the elderly, the infirm, the physically or visually disabled and those with marginal literacy skills, who are those most likely to have made the kinds of marks that Munster's proposed test would disqualify.*

— Supreme Court of Connecticut, 231 Conn. 602  
*In Re Election Of The United States Representative For The Second Congressional District*

### **SB 1057 – An Act Implementing the Recommendations of the State Librarian Concerning E-Government and The Preservation, Authentication and Management of Electronic Records**

This bill will provide not just a continuity of government following a disaster, but will also provide a valuable basis for any future expansions of public document availability and regionalization of government services. While the bill does not speak to elections specifically, we are anticipating the implementation of online voter registration, and lack standards on how original documents containing electronic signature data are to be stored and used by our offices. It would be valuable to define the conditions under which electronic documents or images of original documents may be considered authoritative in lieu of "wet-ink" originals.

### **HB 6486 – An Act Concerning Changes Of Addresses For Electors**

When an out-of-town address change is returned by the National Change of Address (NCOA) service from the US Postal Service, Registrars send a notice to the voter's current address, allowing them to correct any error to avoid being made inactive or removed from the voting list. This change would direct the letter to the new address. However, about 2% of the changes returned with NCOA are in a category known as "Daily Deletes," reflecting a recent correction made by the Postal Service due to a person cancelling a previously-filed move, correcting a change that moved an entire family when only an individual moved, or other errors. Sending all correspondence to the new address would result in some mailed notices being returned as undeliverable for voters who continue to reside in or have returned to our towns, a fact they would not discover until appearing at the polls to find their names missing from the official list.

### **HB 6427 – An Act Concerning Polling Places For Primaries**

While I generally do not support consolidating polling places for primaries, if you do proceed with this measure you should be aware that the date by which the consolidation must occur (60 days before the primary) is prior to the deadline for petitions to be submitted to the Registrars (34 days before the primary) in municipal and town committee elections, per CGS §9-405. Requiring the consolidation and notice to occur before our office is aware that there will in fact be a primary would present a difficult logistical challenge.